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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,067	01/28/2004	Sunil K. Gupte	74285	2255
27377	7590	11/28/2005	EXAMINER	
MACMILLAN, SOBANSKI & TODD, LLC ONE MARITIME PLAZA-FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604			BLOUNT, ERIC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,067

Applicant(s)

GUPTE ET AL.

Examiner

Eric M. Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see amendment, filed September 9, 2005, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 102 (b) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Flick [U.S. Patent No. 5,739,747].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick [U.S. Patent No. 5,379,747].

Regarding **claim 1**, Flick discloses a vehicle security system (Figure 1) for a vehicle comprising a monitoring device (column 4, lines 35-45) for sensing the presence of a body within the vehicle, a transmitter (18) in the vehicle for broadcasting an intrusion signal exterior to the vehicle in response to the monitoring device sensing the presence of a body within the vehicle, and a remote vehicle interface (50) including a transmitter (57), receiver (58), and an intrusion indicator (54, 61, and 62). The receiver activates the intrusion indicator in response to the intrusion signal. See columns 2 and

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3. Flick does not specifically disclose that a monitoring device is provided for sensing the presence of a body within the vehicle. However, in the Background of his invention, Flick states that it was known in the art at the time of the invention by the applicant for vehicle security systems to be equipment with monitoring devices for detecting the presence of a body within a vehicle (column 1, lines 12-25). Detecting movement within a vehicle using motion detecting and other sensors reasonably appear to meet the limitation set forth by the claim. Using the Background and the teachings of Flick, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to monitor various conditions surrounding a vehicle, including the presence of a body within the vehicle, and alert a vehicle owner or onlooker with an alarm.

Regarding **claim 2**, the remote vehicle interface device comprises a remote keyless entry fob (Figure 2 and column 4, line 57-67).

As for **claims 3 and 4**, Flick discloses a remote indicator capable of providing an audible (61) or visual (54) signal.

As for **claim 8**, the monitoring device initiates the sensing for an occupant when at least one activation condition is met. It is inherent that when the system is armed, an illegal entry is detected.

4. Claims 5-7, 10, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick, as applied to the claims above, in view of Greene [U.S. Patent No. 6,107,914].

As for **claims 5 and 6**, Flick does not specifically disclose that the intrusion signal is a vibrational signal or that the intrusion signal can be selected from a group. In an analogous art, Greene discloses a vehicle anti-theft system, which detects illegal entry. The system comprises a remote indicator capable of providing an audible (118), visual (120, 122), and vibration signal (128). While, Greene does not specifically disclose that the indication may be selected by the fob user, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the fob could be manipulated to allow a user to select an indication (see Figure 3 and cited references).

As for **claim 7**, while it was well known in the art, Flick does not disclose a manual alarm activation switch on the remote device. Greene discloses a manual alarm activation switch (132) on the remote vehicle interface device. The manual alarm activation broadcasts an alarm activation signal to activate audible anti-theft devices (column 9, line 6 – column 10, line 12). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the contact switches taught by Flick could be used to manually activate an alarm. This concept/action was well known in the art at the time of the invention by the applicant.

Regarding **claims 10 and 13**, the remote vehicle interface device of Greene activates a reset operation wherein the transmitter broadcasts a reset signal (130) to stop the vehicle transmitter from broadcasting an intrusion signal. The reset signal disarms the system and inherently stops the vehicle transmitter from broadcasting alarm signals. This teaching reasonably meets the limitations of the claims as written.

Regarding **claim 16**, both Flick and Greene disclose a receiver for receiving an intrusion signal for indicating the presence of an occupant. It would have been obvious to one of ordinary skill in the art that a reset signal would be pressed in order to transmit a reset signal after a user observed the indication.

5. Claims 9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Greene as applied to the claims above, and further in view of Attring et al [U.S. Patent No. 6,556,135 B2].

Regarding **claim 9**, Flick does not specifically disclose that an activation condition comprises a vehicle locked condition. However, in an analogous art, Attring discloses that it was well known in the art at the time of the invention by applicant to arm and disarm an alarm system in response to the locking and unlocking of vehicle doors using a key fob (column 2, lines 9-21). It would have been obvious to one of ordinary skill in the art to modify the invention of Flick to include a vehicle locked condition as an activation signal because the use of the condition is conventional wisdom.

As for **claim 17**, Flick and Attring reasonably meet all of the limitations set forth by the claim. Using the teachings of Attring the user of a fob locks the vehicle, thus activating a monitoring system. See the discussion of claims 1 and 9 above.

As for **claim 18**, Flick does not disclose activating an intrusion indicator from a remote device. Greene discloses that an intrusion indicator can be activated from a remote vehicle interface device for indicating an alarm condition (column 9, line 65 – column 10, line 13). It would have been obvious to one of ordinary skill in the art to

modify the inventions of Greene and Attring to include the remote actuation functions taught by Greene because this feature would allow a user to test the security system. It would also allow the user to use the security system as a personal alarm system if the user was in danger. It was known in the art at the time of the invention by the applicant for key fobs to include panic buttons of actuating an alarm. The inclusion of a panic button on the key fob of any of the inventors would meet the claim limitation.

Regarding **claim 19**, Greene discloses that a fob user may reset the monitoring device to suspend sensing by pressing a button on the fob (Figure 2, column 10, lines 13-17). The resetting of the monitoring device temporarily suspends said sensing. Sensing is stopped until the vehicle security system is armed. These teachings reasonably appear to meet the limitations of the claim as written.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Greene as applied to the claims above, and further in view of Furukawa [U.S. Patent No. 6,243,022 B1].

Regarding **claims 14 and 15**, neither Flick nor Greene disclose a single button for performing reset operations. In an analogous art, Furukawa discloses that it was known in the art at the time of the invention by the applicant that combinations of key presses could be used for transmitting command signals with a key fob (column 3, lines 47-52). This is an obvious modification that can be viewed as a matter of design choice. The motivation to make this modification would be to increase the number of commands a user would be able to transmit using the fob.

7. Claims 11 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Greene as applied to the claims above, and further in view of Osterweil [U.S. Patent No. 6,049,281].

As for **claims 11 and 12**, neither Flick nor Greene disclose a re-determining and re-broadcasting means. Osterweil is used to show that it was known in the art at the time of the invention by the applicant for a presence detecting system to automatically reactivate a system after a predetermined time in response to a reset operation (column 3, lines 1-15). Osterweil shows that the concept of deactivating a system and automatically reactivating the system was well known. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the inventions of Flick and Greene to include the concept of automatically reactivating presence detection means because the modification would ensure that a vehicle anti-theft system carried out its function in determining whether there was an intruder detected. This reactivation may allow a user to be notified of a presence for at least a second time before approaching and boarding a vehicle. These teachings reasonably appear to meet the limitations of the claims as written.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Greene as applied to the claims above, further in view of Attring et al, and in even further view of Osterweil.

As for **claim 20**, neither Flick, Attring, nor Greene disclose a re-determining and re-broadcasting means. Osterweil is used to show that it was known in the art at the time of the invention by the applicant for a presence detecting system to automatically reactivate a system after a predetermined time in response to a reset operation (column 3, lines 1-15). Osterweil shows that the concept of deactivating a system and automatically reactivating the system was well known. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the inventions of Flick and Greene to include the concept of automatically reactivating presence detection means because the modification would ensure that a vehicle anti-theft system carried out its function in determining whether there was an intruder detected. This reactivation may allow a user to be notified of a presence for at least a second time before approaching and boarding a vehicle. These teachings reasonably appear to meet the limitations of the claims as written.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636



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